

East Bellevue Community Council
Summary Minutes of Regular Meeting

October 1, 2002
6:30 PM

Lake Hills Community Clubhouse
Bellevue, Washington

PRESENT: Chair Bell, Councilmembers Halgren, Keffe, Seal, and Wiechmann

STAFF: Steve Cohn, Plans Reviewer
Mary Kate Berens, Legal Planner
Mike Upston, Senior Planner

1. CALL TO ORDER

The meeting of the East Bellevue Community Council was called to order at 6:31 PM with Chair Bell presiding.

2. ROLL CALL

Upon roll call by the Deputy City Clerk, all Councilmembers were present with the exception of Ms. Wiechmann, who arrived at 6:54 PM. Chair Bell led the flag salute.

3. COMMUNICATIONS – WRITTEN AND ORAL

Mr. Jack Frank, Vice President of Real Estate Costco Corporation, presented the Costco Fresh proposal for Kelsey Creek Shopping Center. He stated that the proposed building would be built within the existing Kmart footprint. Mr. Frank described the building's configuration in relationship to the site and Costco's desire to be sensitive to adjacent neighbors and environmental concerns. He estimated the opening of the new store in the late summer or early fall of 2003.

4. APPROVAL OF AGENDA

Mr. Halgren moved approval of the October 1, 2002 agenda. Mr. Keffe seconded the motion.

Mr. Halgren suggested combining agenda items 5(b) and (e) as the topics were related, and hearing item 5(c) following 5(a). He requested the addition of 10(a), May 16, 2002 Open House.

Mr. Keffe requested the addition of agenda items 11(a), October 19, 2002, and 11(b), City Hall move.

Mr. Seal asked that the agenda be amended to include agenda item 11(c), SE 8th turnaround.

Motion to approve the October 1, 2002 agenda as amended carried 5-0.

5. PUBLIC HEARINGS:

- (a) Voicestream – Lake Hills Greenbelt, 15555 SE 16th Street- Application for a conditional use permit to replace a 68 foot Puget Sound Energy monopole with a 90 foot pole and co-locate Voicestream and AT&T antennas.

Mike Upston, Department of Planning and Community Development, introduced the project and provided a brief background. The proposed monopole will be 90 feet in height and located in the Lake Hills Greenbelt.

Cydly Smith, Voicestream Representative, stated that Voicestream attempted to gain early public input last fall but, unfortunately, the meeting was not well attended.

Mr. Upston noted that written public comments regarding this proposal are included in the Council's printed packet.

In response to Mr. Seal, Ms. Smith stated there were no FAA requirements for the placement of a light at the top of the monopole.

Mr. Upston stated that the proposal is compliant with Bellevue Land Use Code requirements.

Ms. Smith reviewed the siting criteria and issues considered. She explained that because this wireless communication facility would be located adjacent to a neighborhood, Voicestream was particularly sensitive to aesthetics. The panel antennas selected are the best available technology, maximizing network efficiency while maintaining a narrow profile consistent with the monopole itself. There were no technically feasible siting alternatives that presented less severe impacts.

Dan Wilson, Voicestream's Radio Frequency Engineer, explained the radio frequency requirements for siting this facility.

In response to Mr. Keeffe, Mr. Wilson explained that there would be no radiation exposure hazard as the antennas are located at the top of the pole.

Responding to Chair Bell, Mr. Upston stated the written comments published in the Council's packet came in during the public notice period. He confirmed that it was still early in the process.

Responding again to Mr. Keeffe, Mr. Wilson stated it would be a free standing metal pole attached to a PSE approved foundation. There will be no anchoring guide wires.

Chair Bell opened the courtesy hearing.

Bart Goft, 421 155th Place SE, questioned if Voicestream customers were notified regarding the proposed pole placement. Ms. Smith stated noticing requirements for the surrounding area had been met.

Hearing no further public input, Mr. Halgren moved to close the courtesy hearing. Mr. Keeffe seconded the motion, which carried unanimously.

There was Council discussion with the Voicestream representatives regarding frequency spectrum and customer base.

In response to Mr. Halgren, Mr. Upston clarified that staff had asked that the proponent mitigate impacts by co-locating on an existing pole. Under that scenario, the proposal would have been an administrative conditional use. However, co-location was not possible, and, upon further review of the height and cumulative impacts, application for a conditional use permit was required.

In response to Chair Bell, Ms. Smith explained that geographical radio frequency search rings were getting much smaller and are located in more urban areas than has been the case in the past.

Continuing to respond to Chair Bell, Mr. Wilson stated the siting of antennas optimally would be one half to three quarters of a mile apart.

Mary Kate Berens stated that staff is looking at the current wireless regulations to determine if they are still viable. She explained that the City has received a number of complaints by both the wireless providers and citizens regarding service availability. In November 2001 the City Council asked staff to develop suggestions for alternatives that would improve and streamline the permitting process, while remaining sensitive to neighborhood concerns. In the spring of 2002 the Planning Commission became involved when it became apparent that a comprehensive plan amendment would be needed. The Planning Commission will be meeting October 2, 2002 with a number of experts to discuss wireless regulations.

(c) **Ordinance No. 5395** modifying the Comprehensive Plan definition of General Commercial district

Steve Cohn, Department of Planning and Community Development, made the staff presentation. Mr. Cohn reported that Ordinance No. 5395 was approved by the City Council on August 5, 2002. He pointed out the effected General Commercial areas. He stated the Comprehensive Plan Amendment represents a small change, adding opportunity for business to business sales such as Staples or Office Depot, and will be followed up by a Land Use Code amendment.

Mr. Cohn noted City Council's further direction to open up General Commercial even more, to add all miscellaneous retail and apparel sales in all General Commercial zones. The probable timeframe for this to come before the Community Council is at Council's November meeting.

In response to Mr. Keeffe, Mr. Cohn reviewed the types of office uses, differentiating administrative from professional use.

Chair Bell opened the public hearing.

Bart Goff, 421 155th Place SE, asked in what use category medical labs belong. Ms. Berens responded.

Seeing no further audience participation, Mr. Keeffe moved to close the public hearing. Mr. Halgren seconded the motion, which carried unanimously.

Mr. Seal moved approval of Resolution No. 444 adopting City Council Ordinance No. 5395. Mr. Keeffe seconded the motion, which carried with a vote of 5-0.

- (b) **Ordinance No. 5391** relating to the Comprehensive Plan of the City of Bellevue, as required and adopted pursuant to the Growth Management Act of 1990, as amended (Chapter 36.70A RCW); adopting 2002 amendments to the Comprehensive Plan creating a new land use designation of Office Limited Business – Open Space to allow for a shifting of development potential to concentrate development on part of a site while reserving the remainder of the site as public open space.

Mary Kate Berens, Department of Planning and Community Development, provided the staff overview. Ordinance No. 5391 amends the Comprehensive Plan to create a new land use designation of OLB-OS and amends the definition of Office. She stated there have been no changes to the proposed language since the Community Council's review July 2, 2002.

Ms. Berens stated OLB-OS creates a mechanism for larger parcels of twenty-five acres or more to dedicate a contiguous 40% to public open space. This Comprehensive Plan Amendment and the subsequent Land Use Code Amendment will allow the development potential from the dedicated open space to be shifted to the remaining 60% of the site.

In response to Mr. Seal, Ms. Berens reviewed the provisions regarding lot coverage and maximum height allowed adjacent to residential areas.

Chair Bell opened the public hearing.

Hearing no public testimony, Mr. Halgren moved to close the public hearing. Mr. Keeffe seconded the motion, which carried 5-0.

In response to Mr. Keeffe, Ms. Berens explained that the money to purchase the open space portion of the Boeing site had already been appropriated and ~~is to come out of that funding for development~~ would come from the bond levy if approved in November. The open space area is approximately 15 acres with a purchase price of \$3 million.

Mr. Keeffe stated his recollection that public accessibility to that site is minimal. Ms. Berens reviewed the available trail access. She stated that ultimate park development and agreement with Boeing indicates that a road will be built eventually to the south for park access.

Chair Bell stated his opinion that this represented a win/win situation provided building heights remain unobtrusive to surrounding residential areas. He stated his support.

Mr. Halgren inquired as to the status of the proposed trail on the West side of the undeveloped property. The trail was to travel down south and connect to 156th. Responding, Ms. Berens reported on the trail situation. As it stands now, there is the existing developed trail that goes up 161st and out to 156th. There is also an agreement with Boeing for the Mountain to Sound Greenway. That route travels up 160th, which is public up to about the middle north/south point of the Boeing campus where the security gate is located. The agreement anticipates its continuance across the open space and hooking back into the trail that goes out to 156th.

Mr. Seal moved approval of Resolution No. 443 adopting City Council Ordinance No. 5391. Mr. Keeffe seconded the motion. Motion to approve Resolution No. 443 carried 3-2 with Mr. Keeffe and Mr. Halgren opposed.

Mr. Keeffe stated that this was a very poor place for the City to be putting park money, as the property is almost in a swamp.

- (e) Ordinance No. 5403 establishing regulations creating an Office, Limited Business - Open Space Land Use District; amending sections of the Bellevue City Code; amending Sections of the Bellevue Land Use Code; creating a new section and creating a new part of the Bellevue Land Use Code.

Ms. Berens made the staff presentation.

In response to Mr. Keeffe, Ms. Berens explained that the impetus for putting this mechanism in the Code was the Boeing project. Upon both legal advice and further thoughts that this might be something that is desirable in other locations, staff created this new land use designation that could apply elsewhere in the City. She stated that the City would not proactively rezone any property OLB-OS without the property owner's agreement.

Mr. Keeffe stated his recollection that this Code change was essentially a Boeing driven submission to the City. Ms. Berens confirmed that was the original impetus for this land use designation change.

In response to Chair Bell, Ms. Berens clarified that the property owner would maintain the open space created by this legislation. In the case of the Boeing property, the City intends to purchase the open space.

In response to Mr. Keeffe, Ms. Berens explained, in regard to the Boeing site, that a deed restriction would be required and, likely, a concomitant agreement.

Chair Bell opened the public hearing.

Bart Goft inquired, in the 40/60 split, if some of the 40% could be a courtyard in the middle of the development, releasing the City obligation to maintain the space. Ms. Berens stated that the 40% must be contiguous and accessible to the public.

Seeing no one further wishing to address the Council, Mr. Halgren moved to close the public hearing. Mr. Keeffe seconded the motion, which carried unanimously.

Mr. Keeffe stated he was reminded of a building in Seattle whose condition for its height was the requirement to have public access space. However, the provided public space was placed on a top floor with time restrictions and little public awareness as to its existence. Mr. Keeffe stated his skepticism as to the potential of public utilization of this Boeing property.

Mr. Seal moved the adoption of Resolution No. 448 to adopt City Council Ordinance No. 5403. Mr. Keeffe seconded the motion, which carried 3-2 with Mr. Keeffe and Mr. Halgren opposed.

- (d) Ordinance No. 5397 relating to the Comprehensive Plan of the City of Bellevue, as required and adopted pursuant to the Growth Management Act of 1990, as amended (chapter 36.70A) RCW); adopting a 2002 amendment to the Capital Facilities Element of the Comprehensive Plan to provide policies relating to the identification and siting of Essential Public Facilities.

Ms. Berens stated that the Growth Management Act establishes certain guidelines for the content of local jurisdictions' comprehensive plans. One such guideline is that each jurisdiction must include policies regarding Essential Public Facilities that do not preclude the siting of such a facility within that jurisdiction. She provided Council with examples of what would be considered EPFs.

Ordinance No. 5397 establishes the City's EPF policies. Generally, those policies adopt the GMA definition of EPF. The policies establish that where our Land Use Code regulates an EPF, those regulations will be followed in proposals to site an EPF within the City. Where the Land Use Code does not regulate an EPF, the policies establish guidelines for how such proposals should be processed. The policies indicate that such requests should be processed as a conditional use and establish certain decision criteria.

Chair Bell opened the public hearing.

Bart Goft asked if "halfway houses" were considered Essential Public Facilities. Ms. Berens responded, explaining the types of facilities that would qualify under that heading.

Hearing no further public input, Mr. Halgren moved to close the public hearing. Mr. Keeffe seconded the motion, which carried unanimously.

In response to Mr. Keeffe, Ms. Berens stated the above legislation is not related to the relocation of City Hall.

Chair Bell stated that in the unlikely event that such a facility should be sited within Bellevue, it would fall under the conditional use process. Responding to Chair Bell's question regarding recourse if such an application is disapproved, Ms. Berens stated that state law gives DSHS authority to preempt local jurisdictions.

Mr. Seal moved to approve Resolution No. 447 adopting City Council Ordinance No. 5397. Mr. Keeffe seconded the motion, which carried with a vote of 5-0.

- (f) **Ordinance No. 5404** creating regulations regarding Secure Community Transition Facilities; amending the City of Bellevue Land Use Code; adding a new section and establishing an effective date.

Ms. Berens reviewed Ordinance No. 5404, which creates Land Use Code regulations relating to Secure Community Transition Facilities.

Chair Bell opened the public hearing.

Bart Goft asked if there was an oversight committee for these types of facilities. Ms. Berens stated State law allows DSHS to form such a body.

Seeing no one further wishing to participate, Mr. Keeffe moved to close the public hearing. Mr. Halgren seconded the motion, which carried 5-0.

Mr. Seal moved approval of Resolution No. 449 adopting City Council Ordinance No. 5404. Mr. Keeffe seconded the motion, which carried with a vote of 5-0.

6. RESOLUTIONS:

- (a) Resolution No. 443 adopting City Council Ordinance No. 5391.
- (b) Resolution No. 444 adopting City Council Ordinance No. 5395.
- (c) Resolution No. 447 adopting City Council Ordinance No. 5397
- (d) Resolution No. 448 adopting City Council Ordinance No. 5403.
- (e) Resolution No. 449 adopting City Council Ordinance No. 5404.

Resolutions No. 443 through 449 were approved following the respective public hearings.

7. REPORTS OF CITY COUNCIL, BOARDS AND COMMISSIONS: None

8. DEPARTMENT REPORTS

- (a) Future of Kelsey Creek Shopping Center

Mr. Seal noted Mr. Franklin's efforts to improve the shopping center. He stated that he felt that Costco would invigorate the area quite a bit.

Mr. Halgren provided the background of the Kelsey Creek Shopping Center's present zoning. He stated concerns that the daylighting requirement of the creek could prevent redevelopment of the Center. Mr. Halgren suggested again that the City abandon its practice of CB zoning with conditions in favor of a new broadened NB designation that meets today's market needs and allows for economically viable neighborhood shopping centers.

Mr. Keffe requested that staff provide an inventory ranked by size (acreage) of all NB and CB w/conditions shopping centers located in the City of Bellevue. There was Council consensus for the Clerk to contact Ellen Miller-Wolfe regarding this request.

Chair Bell commented on Kelsey Creek and the West Lake Hills Citizen Advisory Committee. He stated that Councilmember Wiechmann and he had attended the committee meetings and that their number one priority was to get the stakeholders together to talk about how to help revitalize neighborhood shopping centers, specifically Kelsey Creek and Lake Hills. Mr. Bell stated that the meeting on September 26th, in his view, did not address either Center and failed to accomplish the Committee's number one priority. To begin, the Lake Hills Shopping Center was excluded from the conversation. Second, while there was some discussion regarding Kelsey Creek, the Costco representatives only alluded to the fact that they were moving into the Center. Mr. Bell stated that more on the proposed Costco Fresh was heard at tonight's meeting than on September 26th. He stated that the appearance of Costco at Kelsey Creek preempts the stream issue. With the exception of re-grading and landscaping, the parking lot will remain the same.

Chair Bell stated that the Community Council went through a protracted and extremely agonizing process on the proposed rezone of the Lake Hills Shopping Center. The Council participated on the West Lake Hills CAC, and joined with the community in wanting to see future plans for the Lake Hills Shopping Center and improvements to Kelsey Creek. He stated his feelings that all of that effort does not appear to be coming to fruition. Chair Bell reminded Council of their letter to the City Council in support of the CAC's recommendations and their request to be included in the process, benefiting of all shopping centers in terms of vitality. He stated, in conclusion, that he felt the Community Council's offer and attempts to participate in the discussion regarding the future of these shopping centers is probably at a standstill. There was no indication at the end of September 26th's meeting that there would be any future meetings.

Ms. Wiechmann shared her perception of the September 26th meeting, stating her disappointment that the East Bellevue Community Council had not been included as one of the stakeholders.

Mr. Halgren suggested that the Council send another letter to the City Council reminding them that the Community Council supports the West Lake Hills CAC's recommendation to bring community stakeholders and businesses together in developing a vision for the Lake Hills Shopping Center and make improvements to Kelsey Creek. There was Council consensus. Chair Bell volunteered to author the letter on behalf of the Community Council.

9. **COMMITTEE REPORTS:** None.

10. **UNFINISHED BUSINESS**

(a) May 16th Open House

Mr. Halgren noted the recent response regarding the May 16th Open House. He stated that missing from the response was the raw scoring for the various options. Votes were cast by the use of red and green dots affixed to option charts. Mr. Halgren stated, from his standpoint,

staff's response reflected their interpretation of the data and comments, but did not address Council's original request for the raw data. He asked that Council respond to Mr. Sindiong, stating their appreciation for his letter but reiterate Council's desire for the unedited Open House attendees' responses and actual votes cast, based upon the red and green dot placement.

Chair Bell suggested that the above be communicated to Mr. Sindiong by way of a telephone call, and followed up by a letter if necessary. Mr. Halgren concurred.

(b) Status of Community Council Request to City Manager

Chair Bell reported that he had spoken to Mr. Sarkozy about Council's letters regarding additional funding for an annual newsletter in the 2003/2004 budget and Utility Code enforcement. He stated that Mr. Sarkozy indicated that he had been under the impression that staff had responded. Mr. Sarkozy stated he would track down the status of those responses and get back to the Council.

11. NEW BUSINESS

(a) October 19, 2002

Mr. Keeffe reminded Council that on October 19, 2002 there will be a 140th Avenue Project Completion Party at the Sammamish High School.

(b) City Hall Move

Mr. Keeffe reported on an article in the Seattle Times regarding the City's proposed purchase of the Qwest Building for the purpose of moving City Hall. He stated that this chimera to move City Hall keeps reappearing. Mr. Keeffe stated his personal feelings that a peripherally located city hall such as we currently have in Bellevue serves the needs of the business community as well as the citizens much better than a city hall located in the middle of a heavily congested area.

Chair Bell reminded Mr. Keeffe that Council has previously noted their non support to the City Council about moving City Hall from its current location.

(c) SE 8th Turnaround

Mr. Seal brought the proposed turnaround at SE 8th and 148th Avenue to Council's attention.

12. CONTINUED COMMUNICATION

Mr. Bill Serr addressed the Council, stating the West Lake Hills CAC no longer exist, as it was not extended by City Council. He once again stated his overall disagreement with the CAC's final report, but, nonetheless, noted some positive results.

Mr. Goft again expressed the need for improved bus service in the East Bellevue area.

13. EXECUTIVE SESSION None.

14. APPROVAL OF MINUTES

 (a) September 3, 2002 East Bellevue Community Council Summary Minutes

Mr. Keffe moved approval of the September 3, 2002 East Bellevue Community Council summary minutes.

Mr. Seal seconded the motion.

Motion to approve the September 3, 2002 summary minutes carried 5-0.

15. ADJOURNMENT

Mr. Keffe moved adjournment. Mr. Seal seconded the motion, which carried 5-0. The meeting of October 1, 2002 adjourned at 10:35 PM.

Submitted by:

Michelle Murphy, CMC
Deputy City Clerk